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By: J. Michael Neary

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Nov. 8 2010

Date: Nov. 08, 2010

Inventor(s): Gerald J. Julien )  
Serial No.: 10/505,356 ) Group A.U. 3618  
Conf. No, 5987 ) Examiner: John Daniel Walters  
Filing Date: August 19, 2004 )  
Title: Nitinol Ice Blades )

## Request for Clarification

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Nov. 08, 2010

Sir:

Applicant respectfully requests clarification of the Final Rejection date Oct. 21, 2010 in the above-captioned Application.

On Aug. 26, 2010, Applicant filed a Response under Rule 111, adding a new claim 21, which called for the skate blade body edge portion to be free of reinforcement by any hardening constituent other than derivatives of Type 60 Nitinol. The reference, Abkowitz, cited to show that use of titanium and its alloys would have been obvious for use in skate blades, specifically teaches the use of hardening constituents in the titanium metal matrix composites that he teaches for making skate blades. In his Final Rejection, the Examiner did not explain why the subject matter of claim 21 would have been obvious to a person of ordinary skill in the art when the teachings in Abkowitz expressly contradict the claimed subject matter of claim 21.

On Sept. 8, 2010, Applicant filed an Information Disclosure Statement to bring to the Examiner's attention a newly discovered reference, Patent No. 7,036,828 by Malvin Loveridge entitled "Extruded Light-Weight Figure Skate Blade Holder with Two-Part Blade" that contains

some relevant information about titanium skate blades. In col. 4, lines 12-22 Mr. Loveridge, the inventor, makes the following statements:


The blade 14 may be made from a light-weight alloy such as titanium or magnesium by way of example only. The blade is therefore very lightweight and strong. However, as a skate blade has to have a sharp edge which must be maintained for figure skating, the use of titanium or magnesium for the sharp edge is not appropriate as those types of light-weight alloys do not hold this sharp edge as they are too soft. The most acceptable metal is carbon steel as it can be sharpened to the appropriate sharp edge and this sharp edge can also be maintained for high level figure skating.

This patent offers additional confirmation of what Applicant has been asserting to be the common knowledge among those skilled in the skating art, namely, that titanium is an "inappropriate" (as Mr. Loveridge puts it) material for skate blades. Mr. Loveridge solves the problem by attaching a steel edge to his titanium blade, thereby converting it to a steel blade with a titanium body.

The Examiner entered this Information Disclosure Statement and presumably considered the teaching in Loveridge, but did not comment on its significance or explain why Applicant's arguments, that the teachings in Loveridge support patentability, were unpersuasive to him.

Applicant must now decide about what to do about this Final Rejection. It would be very useful for Applicant to know what the Examiner's position is regarding the two issues noted above. The Examiner may have excellent reasons for his actions and it would be helpful to Applicant to know what those reasons are so that he can decide whether to appeal the Final Rejection or take some other course of action. Applicant believes that, if he decides to appeal, that the Appeal Brief should address the Examiner's reason for his rejections and that he should not have to wait for the Examiner's Answer to learn, for the first time, what those reasons are.

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Respectfully submitted,  
  
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